IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Crl.MC.No. 3060 of 2006()

ST.497/2006 of JUDL.MAGISTRATE OF FIRST CLASS, PALA

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PETITIONER: ACCUSED

CHUMMAR, AGED 52 YEARS,
S/O.LUKA, PULLATTIL VAKKATTUR,
KOORAPADA, KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS: RESPONDENT

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1. SUB INSPECTOR OF POLICE,
PALA POLICE STATION REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE DISTRICT COLLECTOR, KOTTAYAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3060 of 2006

Dated this the 19th day of February, 2007

ORDER

The grievance of the petitioner is that notwithstanding the composition of the offence under Section 23 A of the Mines and Minerals (Development and Regulation) Act and Rule 60 A of the Minor Mineral Concession Rules, the prosecution against him for the offences punishable under Section 4(1A) read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act,1957 and and Rule 58 of the Kerala Mines and Mineral Concession Rules, 1967 is continuing unnecessarily. An amount of Rs.5,000/- has been paid by the petitioner and received as acknowledged under Annexure-1 letter dated 18.02.2006 by the District Collector in favour of the Sub Inspector of Police, Pala. The learned Public Prosecutor, in these circumstances fairly concedes that there can be no valid prosecution now surviving for the offences under Section 4(1A) read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act,1957 and and Rule 58 of the Kerala Mines and Mineral Concession Rules, 1967. In the light of the categoric statement made by the learned Public Prosecutor, I am satisfied that subsequent to the composition, proceedings against the petitioner can now continue only under Section 279 I.P.C.

2. No statement has been filed by the District Collector as directed on 18.01.2007. But I accept the submission of the learned Public Prosecutor as is evident from Annexure-1 produced by the petitioner also that the amount of Rs.5,000/- has been paid by the petitioner and received by the Geologist as fine for composition of the offence as per Section 23 A of the Mines and Minerals (Development and Regulation) Act, 1957 and Rule 60 A of the Kerala Mines and Minerals concession Rules, 1967.

3. This Crl.M.C is, accordingly allowed, as prayed for. The prosecution against the petitioner in so far as it relates to all other offences except the one punishable under Section 279 I.P.C is hereby quashed.

(R.BASANT, JUDGE)

rtr/-